

WYOMING BUREAU OF LAND MANAGEMENT  
WILD AND SCENIC RIVERS REVIEW POLICY

FEBRUARY 12, 1998

**WYOMING BUREAU OF LAND MANAGEMENT  
WILD AND SCENIC RIVERS REVIEW PROCESS**

**PURPOSE**

This policy and guidance statement supplements Bureau of Land Management (BLM) Manual 8351, (Wild and Scenic Rivers, Policy and Program Direction for Identification, Evaluation, and Management) and is to be used for all wild and scenic rivers (WSR) reviews on BLM administered public land surface in Wyoming. This statewide policy was developed from provisions in the Wild and Scenic Rivers Act (WSRA), BLM Manual 8351, and in coordination with Wyoming State Government. This is applicable to all ongoing and subsequent BLM WSR reviews in Wyoming.

**INTRODUCTION**

The WSRA directs the BLM to conduct these WSR reviews as part of BLM planning efforts. These reviews will be based on BLM Manual 8351 and any subsequent Wyoming BLM State level guidance that is developed.

In Wyoming, it is the State Director's policy that all BLM administered public land surface, along waterways within a Resource Management Plan (RMP) planning area, will be reviewed to see if they meet the WSR eligibility criteria and suitability factors as identified in the WSRA.

The following definitions apply to this policy statement:

**waterway** - A flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes. For purposes of this review, a waterway is not required to have water in it year-round and may be intermittent.

**public lands** - The BLM administered public land surface along waterways within an RMP planning area. Those "split estate lands," where the land surface is State or privately-owned and the Federal mineral estate is administered by the BLM, are not involved with these reviews. Other references to segments, parcels, corridors, and waterways, all represent public lands which is the basis for our review.

**PROCESS**

BLM WSR reviews in Wyoming will be conducted as part of BLM land use planning efforts and will entail a three-step process of:

1. Determining if public lands along waterways meet the eligibility criteria to be tentatively classified as wild, scenic, or recreational.
2. Determining if any of those public lands that meet the eligibility criteria also meet the WSR suitability factors.
3. Determining how any of those public lands that meet the suitability factors will be managed to protect their outstandingly remarkable values and their tentative wild, scenic, or recreational classification.

Note: WSR legislative recommendations for designation will be deferred until such time as public support is favorable to designation.

These steps are further defined as follows:

**Step I. Wild and Scenic Rivers Eligibility Criteria and Tentative Classification**

To meet the WSR eligibility criteria, a waterway must be "free-flowing" and, along with its adjacent land area, must possess one or more "outstandingly remarkable" values. The following is a set of guidelines used in applying the eligibility criteria on public lands in Wyoming.

1. Free-flowing Values - Free-flowing is defined in the WSRA as "existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway." However, the existence of small dams, diversion works, or other minor structures, at the time the waterway is being considered, shall not automatically disqualify it for possible addition to the WSR System. Also, a waterway does not have to be "floatable or boatable" to be eligible; there is no "minimum flow" requirement.

2. Outstandingly Remarkable Values - The public lands along waterways must also possess one or more outstandingly remarkable values to be eligible for further consideration. Outstandingly remarkable values relate to scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar resource values.

The term "outstandingly remarkable value" is not precisely defined in the WSRA. However, it should be noted that these values must be directly waterway related. The criteria for outstandingly remarkable values, to be used for the review of public lands in Wyoming, are as follows:

Scenic - The landscape elements of landform, vegetation, water, color, and related factors result in notable or exemplary visual features and/or attractions. Additional factors such as seasonal variations in vegetation, scale of cultural modifications, and length of time negative intrusions are viewed can also be considered when analyzing scenic values. Scenery and visual attractions may be highly diverse over the majority of the public lands involved; are not common to other waterways in the geographic region; and must be of a quality to attract visitors from outside the area.

Recreational - Recreational opportunities on the public lands are unique enough to attract visitors from outside the area. Visitors would be willing to travel long distances to use the waterway resources on the public lands for recreational purposes. Waterway related opportunities could include, but are not limited to, sightseeing, wildlife observation, camping, photography, hiking, fishing, hunting, and boating.

Interpretive opportunities may be exceptional and attract visitors from outside the area. The waterway may provide settings for national or regional commercial usage or competitive events.

Geologic - The public lands provide an example(s) of a geologic feature, process, or phenomenon that is rare, unusual, or unique to the area. The feature(s) may be in an unusually active stage of development, represent a "textbook" example and/or represent a unique or rare combination of geologic features (e.g., erosional, volcanic, glacial, and other geologic structures).

Fisheries - The fishery values on the public lands may be judged on the relative merits of either fish populations or habitat, or a combination of these conditions. For example:

a. Populations. The waterway or waterway segment on public lands is a contributor to one of the top producers of resident, indigenous, fish species, either nationally or regionally. Of particular significance may be the presence of wild or unique stocks, or populations of Federally listed, or candidate threatened, or endangered species.

Diversity of species is also important.

b. Habitat. The public lands are contributing to exceptionally high quality habitat for fish species indigenous to the region. Of particular significance may be habitat for Federally-listed, or candidate threatened, and endangered species.

Wildlife - Wildlife values on the public lands may be judged on the relative merits of either wildlife populations or habitat, or a combination of these conditions. For example:

a. Populations. The public lands are contributing to populations of resident or indigenous wildlife species important in the area or nationally. Of particular significance are species considered to be unique or populations of Federally listed, or candidate threatened, or endangered species. Diversity of species is also important.

b. Habitat. The public lands are contributing to exceptionally high quality habitat for wildlife species important in the area or nationally, or may provide unique habitat or a critical link in habitat conditions for Federally listed, or candidate threatened, or endangered species. Adjacent habitat conditions are such that the biological needs of the species are met.

Cultural - The public lands contain examples of outstanding cultural sites which have unusual characteristics relating to prehistoric or historic use. Sites may be important in the area or nationally for interpreting prehistory or history; may be rare and represent an area where a culture or cultural period was first identified and described; may have been used concurrently by two or more cultural groups; or may have been used by cultural groups for rare or sacred purposes.

Historical - The public lands contain a site(s) or feature(s) associated with a significant event, an important person, or a cultural activity of the past that was rare, unusual, or unique in the area.

Note: Eligibility for inclusion in the National Register of Historic Places, by itself, is not sufficient justification for being considered outstandingly remarkable.

Similar Values - Other values may include significant hydrologic, paleontologic, botanic, scientific, or ecologic resources as long as they are waterway related.

**3. Tentative Classification** - At the same time that eligibility determinations are made, public lands that meet the eligibility criteria will also be given a tentative classification (i.e., either wild, scenic or recreational), as required by the WSRA. Tentative classification is based on the type and degree of human developments associated with the public lands involved and adjacent lands at the time of the review. Actual classification is a congressional legislative determination.

The tentative classifications, as used by BLM in Wyoming, are further defined as follows:

Wild Waterway Areas - Wild areas are those where the waterways or sections of waterways on the public lands are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America. Wild means undeveloped; roads, dams, or diversion works are generally absent from a quarter mile corridor on both sides of the waterway.

Scenic Waterway Areas - Scenic areas are those where the waterways or sections of waterways on the public lands are generally free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads. Scenic does not necessarily mean the waterway corridor has to have scenery as an outstandingly remarkable value; however, it means the waterway or waterway segment may contain more development (except for major dams or diversion works) than a wild segment and less development than a recreational segment. For example, roads may cross the waterway in places but generally do not run parallel to it. In certain cases, however, if a parallel road is unpaved and well screened from the waterway by vegetation, a hill, etc., it could qualify for scenic classification.

Recreational Waterway Areas - Recreational areas are those where the waterways or sections of waterways on the public lands are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past. Parallel roads or railroads, existence of small dams or diversions can be allowed in this classification. A recreational area classification does not imply that the waterway or section of waterway on the public land surface will be managed, or have priority for recreational use, or development.

## **II. Wild and Scenic Rivers Suitability Factors**

All public lands determined to meet the eligibility criteria, will be further reviewed to see if they meet the suitability factors. Some factors to consider in the suitability determination include, but are not limited to:

1. Characteristics which do or do not make the public lands involved a worthy addition to the national WSRS.
2. Status of land and minerals ownership (surface and subsurface), land uses in the area, including the amount of private land involved, and associated or incompatible uses. Jurisdictional consideration (administrative role and or presence) must be taken into account, to the extent that management would be affected. Refer to BLM Manual 8351.33A2 (as amended on December 22, 1993) for additional information and details on the consideration of this suitability factor.
3. Reasonably foreseeable potential uses of the BLM administered public lands involved and related waters which would be enhanced, foreclosed, or curtailed if they were included in the National WSRS, and the values which could be foreclosed or diminished if the public lands are not protected as part of the System.
4. Public, State, local, tribal, or Federal interest in designation or nondesignation of any part or all of the waterway involved, including the extent to which the administration of any or all of the waterway, including the costs thereof, may be shared by State, local, or other agencies and individuals.
5. Estimated cost of acquiring necessary lands and interests in lands and of administering the area if it is added to the National WSRS. Section 6 of the WSRA outlines policies and limitations of acquiring lands or interests in land by donation, exchange, consent of owners, easement, transfer, assignment of rights, or condemnation, within and outside established river boundaries.
6. Ability of the BLM to manage and or protect the public lands involved as a

Wild and Scenic River or other mechanisms (existing or potential) to protect identified values other than WSR designation.

7. Historical or existing rights which could be adversely affected. In the suitability review, adequate consideration will be given to rights held by other landowners and applicants, lessees, claimants, or authorized users of the public lands involved.

8. Other issues and concerns if any.

### **III. Management of BLM Administered Public Lands That Meet the Suitability Factors**

BLM land use planning decisions will be developed and implemented for any public lands that are determined to meet the suitability factors. These planning decisions will include management objectives, management actions, and appropriate allocations of land and resource uses that will maintain the outstandingly remarkable values and tentative wild and scenic waterway classifications identified on the public lands involved.

Special Note: Pursuant to the WSR Act, until the required WSR reviews or evaluations of BLM administered public lands along waterways can be completed, no uses of such lands will be authorized which could impair any outstandingly remarkable values they may contain, or that would otherwise reduce or destroy their potential eligibility, classification or suitability for consideration for inclusion in the NWSRS. There may be situations where a lengthy delay between making the eligibility determinations and the suitability determinations will occur. In such cases land use planning decisions will be developed and implemented for protection of outstandingly remarkable values on those BLM administered public lands meeting the eligibility criteria, until the suitability review can be completed.

Public lands that are determined to meet the suitability factors would then be managed under the BLM's land use plan management decisions indefinitely. At some time in the future, it is possible that the Secretary of the Interior may direct the BLM to participate in the development of WSR Study Reports or joint studies may be initiated with the Forest Service or another entity. The results and documentation of the Wyoming BLM WSR reviews would be utilized in developing any such reports or studies.

### **Public Involvement and Coordination**

Wyoming BLM personnel met with representatives of various Wyoming State agencies, including the Governor's Office, in January 1991 and June 1993. These meetings were specifically for the purpose of reaching a mutual understanding of the Wild and Scenic Rivers Review Process, and of the Wild and Scenic Rivers eligibility criteria and suitability factors to be used in the process in Wyoming. This included some agreement on any needed refinements of these criteria and factors, specific to Wyoming, and their statewide application on BLM administered public lands. The eligibility criteria and suitability factors, including minor refinements agreed to at that time, are still consistent with the BLM WSR Manual 8351 (May 19, 1992). Wyoming State Government has disagreed with giving any consideration for reviewing waterways that do not contain water year-round (i.e., intermittent or nonperennial waterways). The Wyoming BLM recognizes that position but is obligated to follow the BLM Manual requirement to include intermittent and ephemeral waterways in the review.

Letters describing the Wyoming BLM WSR Review Process, including eligibility criteria and suitability factors, will be sent to interested parties, agencies, and special interest groups to solicit comments and public

involvement.

Briefings will be given to the State and Federal Wyoming Congressional Delegation Representatives, State and Federal agencies and the BLM District Multiple Use Advisory Councils.

News media involvement may include BLM News Releases and interviews.

**Additional Wild and Scenic River Review Information**

Additional informational guidance covering the WSR review process can be found in BLM Manual 8351.